

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-349

Kevin Hastings,)
Appellant,)
)
v.)
)
Commonwealth of Massachusetts)
And David C. Holmes,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 1014.4 (Headroom) and 780 CMR 1022.2.4 (Handrail ends) of the Massachusetts State Building Code ("MSBC") for 52-58 Eastman Lane, University of Massachusetts, Amherst, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on January 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the University of Massachusetts was Andrew Soles and Kevin Hastings ("the Appellant"). There was no representative present from the Department of Public Safety. There was no representative present from the Town of Amherst Fire Department.

Discussion

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

A motion was made to grant the Appellant's request for a variance from 780 CMR 1014.4 for a reduction in the headroom of Stairway three in Building B from 80 inches to 79 inches because it does not appear to present any significant additional safety hazards and it is a definite hardship for the Appellant to comply with the requirements of the MSBC. Motion carried 3-0.

A motion was made to grant the Appellant's request for a variance from 780 CMR 1022.2.4 of the MSBC because the State Building Official was in support of the granting of the variance and the handrails shall be modified as shown in sketch SKA-79. Motion carried 3-0.

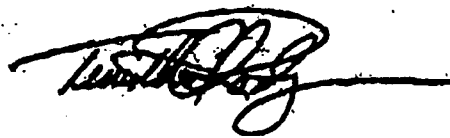
Conclusion

The Appellant's request for a variance from 780 CMR 1014.4 (Headroom) and 780 CMR 1022.2.4 (Handrail ends) is hereby **GRANTED**.


SO ORDERED.



HARRY SMITH



TIMOTHEE RODRIQUE



STANLEY SHUMAN

DATED: January 22, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*